

## REMARKS

Claims 15-21 are pending in the application.

Claims 15-21 are rejected.

### Specification

The specification has been amended to include the priority data. The priority data was included on the filing receipt and therefore no further action is required for this amendment.

The specification was previously amended to include the term “*from the ground up*” and “*irregular shapes*,” both of which are fully supported by the specification as filed. The term “*from the ground up*” has been added to both the claims and the specification and is supported by the language “*individual stones are placed along the bottom of at least one side panel.*

*Successive layers of stone are stacked upon the initial layer, thereby forming a stone veneer* 26.” (Emphasis added) originally filed in the specification found at page 12, lines 1-4.

The term “*irregular shapes*” has been added to the claims, but was present at the time of filing in the specification as shown in the original figures and accorded element number 68. One skilled in the art that viewed element 68 (irregular shaped veneer) would need no further description of the properties of the discreet veneer components claimed and shown in figure 9. The clearest showing of possession of the irregularly shaped discreet components is displayed in figure 9, which was accorded an element number. Therefore, the additional amendment to paragraph [0042] does not constitute new matter. The common and ordinary meaning of the term irregular is to lack perfect symmetry or evenness, which has been added to the specification to describe what is visually present in Figure 9.

### **Amendments to the Claims**

The applicant respectfully requests entry of the after final amendments to advance the application to allowance. No additional search is required to be performed as the scope of the invention does not change as the amendments were for purpose of more particularly pointing out the invention as suggested by the examiner.

### **Rejections Under 35 U.S.C. 112**

Claims 15-21 under 35 U.S.C. 112, first paragraph as failing to comply with the written description requirement, and under 35 U.S.C. 112 second paragraph as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Applicant amends the specification to comply with the written description requirement and to address the issue of possession of the invention.

Claims 15-21 are rejected for having the term “horizontally supports,” which is argued to be new matter. The term “horizontally supports” the veneer components is inherently present in the specification, but it has been removed to advance the prosecution of the application. Claim 15 has been amended to remove the term “horizontally” from the claim. The applicant respectfully requests reconsideration and removal of the rejections under 35 U.S.C. 112 of claims 15-21 in light of the amendments.

The applicant traverses the rejection that “*irregularly-shaped discreet veneer components*,” are new matter in the specification that INCLUDES originally filed Figure 9 that shows element number 68. One skilled in the art understands that element 68 is “irregularly shaped” means to lack perfect symmetry or evenness and is supported and possessed by the

inventor during filing. Therefore, the reference numeral 68 and Figure 9 are irrefutable proof that the subject matter was in possession of the inventor at the time of filing. The term “*irregularly-shaped discreet veneer components*” is not new matter in either the specification or claims since the disclosure was present in the original figures.

The applicant traverses the rejection that “*curvilinear edges*,” are new matter in the specification that INCLUDES originally filed Figure 9 that shows element number 68. One skilled in the art understands that element 68 is “irregularly shaped” to form a “*curvilinear edge*.” Therefore, the reference numeral 68 and Figure 9 are irrefutable proof that the subject matter was in possession of the inventor at the time of filing. The term “*curvilinear edge*” is not new matter in either the specification or claims since the disclosure was present in the original figures. One skilled in the art would understand that the edge is curved as shown in Fig. 9 and thus “*curvilinear edge*” is fully supported and not new matter. The applicant respectfully requests reconsideration and removal of the rejections under 35 U.S.C. 112 of claims 15-21 in light of the amendments.

#### **Claim Rejections Under 35 U.S.C. 103**

**Claims 16 and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dial, Jr. ‘424 OR Carvel ‘ 504 in view of USPN 3 ,116,570 to Torricelli.** Claim 16 includes all the limitations of Independent claim 15 and the further limitation that at least one surface has a nonrectangular aspect. Claim 17 include the limitations of independent base claim 15 and the further limitation that at least one surface has curvilinear edges.

Claim 15 requires a wall to be formed from irregularly shaped veneer components

stacked vertically within at least one surface. With respect to the Dial , Jr. '424 patent the reference specifically teaches the formation of blocks for assembly into a conventional free standing wall unit having surface features and does NOT teach "*irregularly-shaped veneer components stacked from the ground up*" as required in base claim 15. The Torricelli '570 patent teaches molded projections for interlocking wall blocks and a curved surface, but is silent regarding "*irregularly-shaped veneer components stacked from the ground up.*" The combination of the Dial '424 and the Torricelli '570 patents fail to teach each and every element of base claim 15.

The Carvel '504 patent teaches forming a wall unit with "*irregularly-shaped veneer components*" arranged horizontally with the wall surface facing the ground. The Carvel '504 patent "*irregularly-shaped veneer*" does NOT have "*a first wall panel*" or a "*second wall panel*" as required by claim 15 because it is formed against the ground and the panels are not required. The Carvel '504 patent teaches the formation of a wall in an upright fashion ONLY when regular geometric units are stacked NOT the claimed *irregularly-shaped veneer components stacked vertically from the ground surface up against at least one panel*" as required. The Torricelli '570 patent teaches molded projections for interlocking wall blocks and a curved surface, but is silent regarding "*irregularly-shaped veneer components stacked vertically from the ground surface up against at least one panel.*" The combination of the Carvel '504 and the Torricelli '570 patents fail to teach each and every element of base claim 15 because one skilled in the art would not form a standing wall having "*irregularly-shaped veneer components stacked vertically from the ground surface up against at least one panel*" when the teachings of the references are combined.

The applicant therefore respectfully requests reconsideration and removal of the

obviousness rejection for failing to teach each and every element of claims 16 and 17.

**Claims 15, 19 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dial, Jr. '424 in view of Sugiyama '572 patent.** The applicant traverses the rejection as being improper for failing to teach each and every element of independent claim 15.

The Dial, Jr. '424 patent does not teach an upright form with "*irregularly-shaped veneer components stacked vertically from the ground surface up against at least one panel.*" The Dial, Jr. '424 patent ONLY teaches that REGULARLY SHAPED components can be used as taught in column 8, line 10 that "*as can best be seen by reference to FIGS. 15 and 16, the interior surface 60 of the outside mold wall 66 defines block openings 62. These block openings 62 may receive brick facing 64 or may be left empty to give texture to the block exterior face 68, shown in FIG. 19*" (emphasis added) Therefore one skilled in the art when applying the teaching of the '424 patent would not be motivated to include "*irregularly-shaped veneer components stacked vertically from the ground surface up against at least one panel.*"

The Sugiyama '572 patent teaches in the abstract the following:

Artificial stones (10) are molded in a predetermined number of different shapes and a substrate (20) is expansion-molded from foam plastics. Artificial stone receiving recesses (22) are molded integrally with the substrate (20) so as to be paired with the respective artificial stones (10). The artificial stones (10) are adhesively inserted into the corresponding receiving recesses (22) so that such insertion may serve to provisionally prevent the artificial stones (10) from scaling off or falling off before setting of adhesive agent. A protruding rib (21) bordering and defining the respective artificial stone receiving recesses (22) serves also as a joint base adapted to support the overlying joint mortar (23). In this manner, adhesive fixation of the artificial stones (10) is facilitated, on one hand, and weight reduction of the gate post (A) is achieved by employing foam plastics as material for the substrate (20), by making the protruding rib (21) serving also the joint base supporting the overlying joint mortar (23) consequently by saving an amount of the joint mortar (23) to be used. (Emphasis added)

The receiving recesses 22 are preformed and then the artificial stones 10 are inserted into

the receiving recess 22. The '572 patent does not teach a wall having "*irregularly-shaped veneer components stacked vertically from the ground surface up against at least one panel*" as required by claim 15. The '572 patent teaches at column 4, line 30 that "*the artificial stone receiving recesses 22 are molded integrally with the substrate 20 which is also made of foamed plastics.*" The '572 patent therefore DOES NOT teach "*irregularly-shaped veneer components stacked vertically from the ground surface up against at least one panel,*" but a molded receiving recess.

The combination of the Dial, Jr. '424 patent and the Sugiyama '572 patent fails to teach a wall having "*irregularly-shaped veneer components stacked vertically from the ground surface up against at least one panel.*" The combination would produce a wall having irregular recesses molded into the wall, but NEVER present would be a wall within the panels having "*irregularly-shaped veneer components stacked vertically from the ground surface up against at least one panel.*" The aforementioned combination of references ONLY allows for the use of artificial veneer components that are mass produced and thus regular (because the shape is then of common dimensions just like a brick) and does not allow for use of "*irregularly-shaped veneer components*" because there would not be a corresponding receiving recess 22 that would accept a randomly shaped veneer component. One skilled in the art, if combined the teachings of the aforementioned references would mold a receiving recess into the unit and take a mass produced veneer component (of a known, regular, mass produced shape) and glue the veneer component into the recess, but NEVER producing the applicant's claimed invention of a panel with a wall formed within without resorting to improperly using the applicant's claim as a template. The applicant respectfully requests that the rejection of claims 15, 19 and 20 be reconsidered and

withdrawn for failing to teach each and every element of independent claim 15.

**Claims 15 and 18-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Carvel '504 in view of Sugiyama '572 patent.** The applicant traverses the rejection as improper because each and every element of claims 15 and 18-20 are not taught by the combination of references.

The Carvel '504 patent teaches forming a wall unit with "*irregularly-shaped veneer components*" arranged **horizontally** with the wall surface facing the ground, not stacked. The Carvel '504 patent "*irregularly-shaped veneer*" does **NOT** have "*a first wall panel*" or a "*second wall panel*" as required by claim 15 because it is formed against the ground and the panels are not required and therefore not present. The Carvel '504 patent teaches the formation of a wall in an upright fashion **ONLY** when regular geometric units are stacked using spacers **NOT** the applicants claimed "*irregularly-shaped veneer components stacked vertically from the ground surface up against at least one panel*" as required. It is improper to assert that the Carvel '504 patent teaches the formation of a wall having "*irregularly-shaped veneer components stacked vertically from the ground surface up against at least one panel*" in FIG. 26-33 when it specifically teaches away from this specific claim element when used with "*irregularly-shaped veneer components*" as all components taught in this embodiment are specifically rectangular bricks whereas FIGS 1-14 teach a wall formed with "*irregularly-shaped veneer components.*"

The Shugiyama '572 patent teaches formation of receiving recesses 22 are preformed and then the artificial stones 10 are inserted into the receiving recess 22. The '572 patent does not teach a wall having "*irregularly-shaped veneer components stacked vertically from the ground surface up against at least one panel*" as required by claim 15. The '572 patent teaches at

column 4, line 30 that “*the artificial stone receiving recesses 22 are molded integrally with the substrate 20 which is also made of foamed plastics.*” The ‘572 patent therefore DOES NOT teach “*irregularly-shaped veneer components stacked vertically from the ground surface up against at least one panel,*” but a molded receiving recess having mass produced artificial stone to be adhered to recesses.

The combination of the teachings of the ‘504 patent and the ‘572 patent would not provide the applicant’s claimed invention. One skilled in the art would produce an upright wall of the ‘504 patent having the receiving recesses of the ‘572 patent where mass produced identical inserts (pre-molded and identical for inserting into the recess) would be installed with adhesive to the formed wall. As neither reference teaches vertical stacking of irregularly-shaped veneer objects against a panel, which is then formed into a wall, the combination could not be sufficient to teach the claimed invention. In view of the above mentioned deficiencies in the combination of references the applicant respectfully requests reconsideration and removal of the rejection of claims 15 and 18-20.

**Claims 19 and 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dial, Jr. ‘424 in view of Sugiyama ‘572 as applied to claims 15, 19 and 20 above, and further in view of Shultz ‘761.** The applicant traverses the rejection of claims 19 and 21 as improper for failing to teach each and every element of the claims.

The Shultz ‘761 patent is silent regarding the use of “*irregularly-shaped veneer components stacked vertically from the ground surface up against at least one panel.*” The Dial, Jr. ‘424 patent and the Sugiyama ‘572 patent as discussed in detail above does not teach “*irregularly-shaped veneer components stacked vertically from the ground surface up against at*



*least one panel.”* The aforementioned combination therefore fails to teach the required element of independent claim 15 of having an *“irregularly-shaped veneer components stacked vertically from the ground surface up against at least one panel.”* The applicant respectfully requests reconsideration and removal of the rejection of claims 19 and 21.

**Claims 19 and 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Carvel ‘504 in view of Sugiyama ‘572 as applied to claims 15, 19 and 20 above, and further in view of Shultz ‘761.** The applicant traverses the rejection of claims 19 and 21 as improper for failing to teach each and every element of the claims.

The Shultz ‘761 patent is silent regarding the use of *“irregularly-shaped veneer components stacked vertically from the ground surface up against at least one panel.”* The Carvel ‘405 patent and the Sugiyama ‘572 patent as discussed in detail above does not teach *“irregularly-shaped veneer components stacked vertically from the ground surface up against at least one panel.”* The aforementioned combination therefore fails to teach the required element of independent claim 15 of having an *“irregularly-shaped veneer components stacked vertically from the ground surface up against at least one panel.”* The applicant respectfully requests reconsideration and removal of the rejection of claims 19 and 21.

**Claims 16 and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dial, Jr. ‘424 in view of Sugiyama ‘572 as applied to claims 15, 19 and 20 above, and further in view of Torricelli ‘570.** The applicant traverses the rejection of claims 16 and 17 as improper for failing to teach each and every element of the claims.

The Toricelli ‘570 patent is silent regarding the use of *“irregularly-shaped veneer components stacked vertically from the ground surface up against at least one panel.”* The Dial,

Jr. '424 patent and the Sugiyama '572 patent as discussed in detail above does not teach *"irregularly-shaped veneer components stacked vertically from the ground surface up against at least one panel."* The aforementioned combination therefore fails to teach the required element of independent claim 15 of having an *"irregularly-shaped veneer components stacked vertically from the ground surface up against at least one panel."* The applicant respectfully requests reconsideration and removal of the rejection of claims 16 and 17.

**Claims 16 and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Carvel '405 in view of Sugiyama '572 as applied to claims 15, 19 and 20 above, and further in view of Torricelli '570.** The applicant traverses the rejection of claims 16 and 17 as improper for failing to teach each and every element of the claims.

The Toricelli '570 patent is silent regarding the use of *"irregularly-shaped veneer components stacked vertically from the ground surface up against at least one panel."* The Dial, Jr. '424 patent and the Sugiyama '572 patent as discussed in detail above also does not teach the required element of *"irregularly-shaped veneer components stacked vertically from the ground surface up against at least one panel."* The aforementioned combination therefore is improper because it fails to teach the required element of independent claim 15 of having an *"irregularly-shaped veneer components stacked vertically from the ground surface up against at least one panel."* The applicant respectfully requests reconsideration and removal of the rejection of claims 16 and 17.

## **CONCLUSION**

Based on the preceding arguments, Applicant respectfully submits that claims 15-21 and the entire application meet the acceptance criteria for allowance and therefore request favorable action. If the Examiner believes anything further would be helpful to place the application in better condition for allowance, Applicant invites Examiner to contact Applicant's representative at the telephone number listed below. The Director is hereby authorized to charge and/or credit Deposit Account 19-0513 for any additional fee required.

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